

REMARKS

In response to the Office Action dated August 12, 2008, the Applicants have amended claims 113, 114, 116, 117, 121, 124, 125, 126 and 127. It is also noted that claims 1-106 and 108-112 were canceled in a previous amendment. Claims 107 and 113-132 are in the case. Reexamination and reconsideration of the application, as amended, are requested.

Objections/Rejections to the 12/28/06 and 6/27/07 previous amendments

On page 2 of the December 2007 Office action, the Examiner objected to paragraph [0084], which was added by the Applicants in a previous amendment, under 37 CFR 1.121.

In response, the Applicants have withdrawn their request to add paragraph [0084].

On page 2 of the December 2007 Office action, the Examiner reiterated his objection to the amendment filed on 12/28/06 under 35 U.S.C. 132(a).

In response, the Applicants canceled claims 1-106 and 108-112 in the June 2008 amendment to overcome this objection.

On page 3 of the December 2007 Office action, the Examiner objected to the amendment filed on 6/27/07 under 35 U.S.C. 132(a).

In response, the Applicants canceled claims 1-106 and 108-112 in the June 2008 amendment to overcome this objection.

On page 5 of the December 2007 Office action, the Examiner objected to the specification, namely, paragraph [0084], which was added by the Applicants in a previous amendment, under 37 CFR 1.121.

In response, the Applicants have withdrawn their request to add paragraph [0084].

Rejection under 35 U.S.C. 101

On page 6 of the December 2007 Office action, the Examiner rejected claims 75-78, 80-83, 86, 87 and 92-94 under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter.

In response, the Applicants canceled claims 1-106 and 108-112 in the June 2008 amendment to overcome this rejection.

Rejections under 35 U.S.C. 112

On page 7 of the December 2007 Office action, the Examiner rejected claims 77, 78, 98 and 99 under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement.

In response, the Applicants canceled claims 1-106 and 108-112 in the June 2008 amendment to overcome this rejection.

On page 7 of the December 2007 Office action, the Examiner rejected claims 75-78, 80-83, 86, 87, 92-94, 96 and 109 under 35 U.S.C. 112, second paragraph, as allegedly being indefinite.

In response, the Applicants canceled claims 1-106 and 108-112 in the June 2008 amendment to overcome this rejection.

Rejections under 35 U.S.C. 102(b)

In general, as will be argued below, the present invention finds the best real estate deals in a specified area **unlike** the cited references, which all determine a value for a specific property.

On page 9 of the December 2007 Office action, the Examiner rejected claims 75, 92-95, 101, 102 and 107 under 35 U.S.C. 102(b), as allegedly being anticipated by Foretich et al. (2003/0191723). On page 13 of the December 2007 Office action, the Examiner rejected claims 75, 92, 93 and 95 under 35 U.S.C. 102(b), as allegedly being anticipated by Sklarz et al. (2002/0087389).

The Applicants' respectfully traverse these rejections. The Applicants canceled claims 1-106 and 108-112 in the June 2008 amendment and added claims 113-132.

As will be explained below, claims 113-132 were added to simplify issues for this patent application in order to expedite an allowance. The applicants expressly reserve the right to pursue previously presented subject matter contained in any canceled claims by this Amendment or any previous Amendments in patent applications that are related to this patent application.

Because claims 113-132 contain elements that are not found in the cited references, the applicants believe that claims 113-132 are in a condition for allowance.

The present invention finds the best real estate deals in a specified area **unlike** the cited references, which all determine a value for a specific property. Specifically, clearly neither Foretich et al. nor Sklarz et al. disclose all of the features of the Applicants' newly added independent claims. For example, Foretich et al. merely disclose accepting a search query as "...information associated with **a subject property**, such as a street address, and then locates **that property...**" [**emphasis added**] (see Abstract of Foretich et al.), while Sklarz et al. simply disclose accepting state and county search querying information to find sales trends of a specified period of time (see FIG. 3 and paragraph [0058] – [0072] of Sklarz et al.).

In contrast, independent claim 113 now includes **performing** a computer-implemented **search query that identifies a plurality of properties** and requests automated valuation model (AVM) values of the identified plurality of properties and **displaying search results as an ordered list** that includes the identified plurality of properties presented as an **automatically ranked and optimized list** based on a predetermined **value optimization scheme** of the **DVS values**.

Also, independent claim 121 now includes providing a user with a user interface **graphical selection tool** for allowing the user to **select a geographical area** on a digital map representing a graphical search query, **identifying a plurality of properties** and determining their automated valuation model (AVM) values of the graphical search query and displaying the identified plurality of properties as a **ranked list** that is

automatically optimized based on a predetermined **value optimization scheme**, **spatial information and the DVS values**.

Last, independent claim 127 now includes **performing a search query** by selecting a geographical area on a digital map that **corresponds to a plurality of properties**, automatically determining automated valuation model (AVM) values of the plurality of properties and displaying the plurality of properties as a **ranked list** that is **automatically optimized** based on a predetermined **value optimization scheme and the DVS values**.

Clearly, since Foretich et al. do not disclose all of these features, the Applicants' respectfully request withdrawal of the anticipation rejection.

Rejections under 35 U.S.C. 103(a)

On page 16 of the December 2007 Office action, the Examiner rejected claims 76, 80-82, 95-97, 100 and 112 under 35 U.S.C. 103(a), as allegedly being unpatentable over Foretich et al. On page 25 of the December 2007 Office action, the Examiner rejected claims 77, 78, 83, 86, 87, 98, 99 and 103 under 35 U.S.C. 103(a), as allegedly being unpatentable over Foretich et al., as applied to each claim's respective dependent claim, and further in view of Florance et al. (2004/0030616). On page 28 of the December 2007 Office action, the Examiner rejected claim 105 under 35 U.S.C. 103(a), as allegedly being unpatentable over Foretich et al. in view of Frost (2005/027336). On page 28 of the December 2007 Office action, the Examiner rejected claims 94, 102 and 107 under 35 U.S.C. 103(a), as allegedly being unpatentable over Sklarz et al. in view of Robbins (2001/0039506). On page 29 of the December 2007 Office action, the Examiner rejected claims 83, 86, 87 and 103 under 35 U.S.C. 103(a), as allegedly being unpatentable over Sklarz et al. in view of Florance. On page 31 of the December 2007 Office action, the Examiner rejected claim 105 under 35 U.S.C. 103(a), as allegedly being unpatentable over Sklarz et al. in view of Frost. On page 31 of the December 2007 Office action, the Examiner rejected claims 75, 83, 86, 92, 93, 95, 98, 101 and 103 under 35 U.S.C. 103(a), as allegedly being unpatentable over "Appraisers are Learning to Live With Black Box Technology" by Quinn in view of the NPL document. On page

35 of the December 2007 Office action, the Examiner rejected claims 87 and 105 under 35 U.S.C. 103(a), as allegedly being unpatentable over “Appraisers are Learning to Live With Black Box Technology” by Quinn in view of the NPL document and further in view of Frost.

The Applicants’ respectfully traverse these rejections. The Applicants canceled claims 1-106 and 108-112 in the June 2008 amendment and added claims 113-132.

As discussed above, claims 113-132 were added to simplify issues for this patent application in order to expedite an allowance.

Because claims 113-132 contain elements that are not found in any combination of the cited references, the applicants believe that claims 113-132 are in a condition for allowance.

Specifically, when Foretich et al., Sklarz et al. or Quinn are combined with either Florance et al., Frost, Robbins or the NPL document, any combination of the cited references do **not** disclose, teach or suggest all of the features of the independent claims.

In general, as discussed above, the present invention finds the best real estate deals in a specified area **unlike** the combined cited references, which all determine a value for a specific property. For instance, as argued above, Foretich et al. merely disclose accepting a search query as “...information associated with a subject property, such as a street address, and then locates that property...” (see Abstract of Foretich et al.).

Although Foretich et al. disclose computing a valuation for a property, the query in Foretich et al. is for a **single** property for valuation of a single property, unlike the Applicants’ claimed invention. Also, Sklarz et al. simply disclose accepting state and county search querying information to find sales trends of a specified period of time (see FIG. 3 and paragraph [0058] – [0072] of Sklarz et al.). Although the query in Sklarz et al. (see FIG. 3 of Sklarz et al.), the query is used to generate sales trend data over a period of time.

In contrast, any combination of the cited references are clearly missing the Applicants’ claimed **performing** a computer-implemented **search query that identifies**

a plurality of properties and requests automated valuation model (AVM) values of the identified plurality of properties and displaying search results as an ordered list that includes the identified plurality of properties presented as an automatically ranked and optimized list based on a predetermined value optimization scheme of the DVS values. As such, since any combination of the cited references still does not disclose, teach or suggest all of the features of the newly claimed invention, the Applicants submit that the obviousness rejections should be withdrawn.

Foretich et al. cannot be used as a reference because it teaches away from the Applicants' claimed invention

Further, the Applicants submit that Foretich et al. cannot be used as a reference because it **teaches away** from the Applicants' claimed invention. In particular, Foretich et al. requires accepting **only a single address or one property** in a search query as "...information associated with a subject property, such as a street address, and then locates that property..." [*emphasis added*] (see Abstract of Foretich et al.). This is because Foretich et al. is specifically designed to find valuation of each property one at a time. However, the Applicants' claimed invention is the exact **opposite** because it **performs a search query that identifies a plurality of properties** and requests automated valuation model (AVM) values of the identified plurality of properties for **displaying search results as an ordered list** that includes the identified plurality of properties presented as an **automatically ranked and optimized list** based on a predetermined **value optimization scheme** of the **DVS values**.

Any modification of Foretich et al. to perform a search query with plural properties would render Foretich et al. being modified unsatisfactory for its intended purpose and change the principle of operation of the invention in Foretich et al. being modified. This is because the spirit of the invention in Foretich et al. is clearly for creating a valuation of a single property and **not** for comparing plural properties to rank and find the best value in a geographical area, like the Applicants' claimed invention. Hence, this "teaching away" prevents the Foretich et al. reference from being used by the Examiner. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir.

1984). Thus, because Foretich et al. **teach away** from the Applicants' claimed invention, Foretich et al. **cannot** be used as a reference, and consequently, the Applicants submit that the rejection should be withdrawn. *MPEP 2143*.

Sklarz et al. cannot be used as a reference because it teaches away from the Applicants' claimed invention

Moreover, Sklarz et al. cannot be used as a reference because it **teaches away** from the Applicants' claimed invention. Specifically, Sklarz et al. requires predicting a value for a **single address or one property**. Although Sklarz et al. can perform a search query as for multiple properties, the identified properties are found for **comparable** and sales trend data (see FIGS. 3-5 and 12-15 and paragraphs [0058] – [0072] of Sklarz et al.). Even though plural **sold** comparables are displayed, **only** the valuation of the single property is displayed (see FIG. 15 of Sklarz et al.). This is **unlike** and the exact opposite of the Applicants' claimed **performing a search query that identifies a plurality of properties** and requests automated valuation model (AVM) values of the identified **plurality of properties** for **displaying search results as an ordered list** that includes the identified plurality of properties presented as an **automatically ranked and optimized list** based on a predetermined **value optimization scheme** of the **DVS values**.

Any modification of Sklarz et al. to perform a search for plural properties for determining their AVMs and then displaying the plural properties in an optimized ranked output in order of value, like the Applicants' claimed invention, would render Sklarz et al. being modified unsatisfactory for its intended purpose and change the principle of operation of the invention in Sklarz et al. being modified. This is because the spirit of the invention in Sklarz et al. is unquestionably for creating a valuation of a single property and **not** for comparing plural properties to rank and find the best value in a geographical area, like the Applicants' claimed invention. Hence, this "teaching away" prevents the Sklarz et al. reference from being used by the Examiner. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). Thus, since the Applicants' claimed elements are **not** disclosed by Sklarz et al. in any combination with the other cited references and because Sklarz et al. **teach**

away from the Applicants' claimed invention, Sklarz et al. **cannot** be used as a reference, and consequently, the Applicants submit that the rejection should be withdrawn. *MPEP 2143*.

Consequently, since the Applicants' claimed elements are **not** disclosed by either Sklarz et al. or Foretich et al. in any combination with the other cited references and because Foretich et al. and Sklarz et al. **teach away** from the Applicants' claimed invention, the Applicants submit that the obviousness rejections should be withdrawn.

Conclusion

Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicants kindly invite the Examiner to telephone the Applicants' attorney at (818) 885-1575 if the Examiner has any questions or concerns. Please note that all correspondence should continue to be directed to:

Respectfully submitted,
Dated: November 12, 2008



Edmond A. DeFrank,
Reg. No. 37,814
Attorney for Applicant
(818) 885-1575 TEL
(818) 885-5750 FAX